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Attorney for Plaintiff  
RON DAVIS

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

RON DAVIS, an individual, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

VISA, INC., a Delaware Corporation,

Defendant.

Case No. 13-cv-5125-CRB

**JOINT STIPULATION AND [PROPOSED]  
ORDER RE: EXTENDING TIME TO  
RESPOND TO DEFENDANT'S MOTION  
TO DISMISS UNDER L.R. 6-2**

FAC Filed: December 16, 2013

Trial Date: None Set

WHEREAS, Plaintiff filed and served his First Amended Complaint ("FAC") in  
the above-entitled action on December 16, 2013;

WHEREAS, the Parties agreed to a stipulated briefing schedule for Defendant's  
forthcoming motion to dismiss on January 14, 2014;

WHEREAS, Defendant filed and served a Motion to Dismiss Plaintiff's FAC on  
January 15, 2014 pursuant to that stipulated briefing schedule;

WHEREAS, Plaintiff's Opposition to Defendant's Motion is currently due under

1 that briefing schedule;

2 WHEREAS, Plaintiff desires additional time to prepare an amended complaint in  
3 light of Defendant's Motion;

4 WHEREAS, Plaintiff previously amended his complaint on December 16, 2013  
5 and any further amendments require leave of the court or consent from Defendant;

6 WHEREAS, the Parties agree that it would be in the best interests of the Parties  
7 and judicial economy if the current deadlines for responding to Defendant's Motion be extended  
8 to provide Plaintiff time to prepare a Second Amended Complaint and allow Defendant to review  
9 any such amendment and stipulate to its filing if appropriate;

10 WHEREAS, under this agreement and pursuant to L.R. 6-2, Defendant and  
11 Plaintiff have met and conferred regarding a briefing schedule, and due to scheduling difficulties  
12 and the holidays, the Parties have agreed to the following briefing schedule in order to  
13 accommodate such conflicts and allow Plaintiff time to prepare a Second Amended Complaint for  
14 Defendant to review:

- 15 • Plaintiff's new deadline to file an opposition to Defendant's Motion shall be March 7,  
16 2014;
- 17 • Defendant's deadline to file a Reply shall be March 14, 2014;
- 18 • If the Parties consent and stipulate to any amendment of the operative complaint,  
19 Plaintiff's deadline to file such a Second Amended Complaint will be no later than  
20 February 28, 2014;
- 21 • If the Parties stipulate to filing a Second Amended Complaint by February 28, 2014,  
22 Defendant will take the current Motion off calendar and file a new motion to dismiss  
23 the Second Amended Complaint pursuant to the deadlines in the Federal Rules of  
24 Civil Procedure, unless the Parties stipulate to, and the Court approves, a different  
25 briefing schedule;

26 WHEREAS, this extension will not alter the current hearing date for the Motion,  
27 set on March 28, 2014, or the initial case management conference set for the same day, unless the  
28 Parties stipulate to the filing of a Second Amended Complaint, in which case the Parties will

1 address those deadlines in that stipulation;

2 NOW, THEREFORE, pursuant to Rule 6-2 of the Local Civil Rules of the United  
 3 States District Court for the Northern District of California, it is hereby stipulated by and among  
 4 Plaintiff and Defendant and through their counsel of record that Plaintiff shall file his Opposition  
 5 to Defendant's Motion no later than March 7, 2014 and Defendant shall file its Reply on March  
 6 14, 2014, unless the Parties stipulate to Plaintiff filing a Second Amended Complaint on or before  
 7 February 28, 2014. If such an agreement is reached and Plaintiff files a Second Amended  
 8 Complaint by February 28, 2014, Defendant will take the Motion off calendar and file a new  
 9 motion to dismiss the Second Amended Complaint pursuant to the deadlines in the Federal Rules  
 10 of Civil Procedure, unless the Parties stipulate to, and the Court approves, a different briefing  
 11 schedule.

12  
 13 IT IS SO STIPULATED.

14  
 15 Dated: February 14, 2014

RICHARD B. GOETZ  
 MATTHEW D. POWERS  
 JACLYN BLANKENSHIP  
 O'MELVENY & MYERS LLP

17 By: /s/ Jaclyn Blankenship  
 18 Jaclyn Blankenship

19 Attorneys for Defendant  
 VISA, INC.

20 Dated: February 14, 2014

CHARLES D. MARSHALL  
 MARSHALL LAW FIRM

21 By: /s/ Charles D. Marshall  
 22 Charles D. Marshall

23 Attorney for Plaintiff  
 24 RON DAVIS

**ATTESTATION OF FILING**

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Jaclyn Blankenship, hereby attest that concurrence in the filing of this Joint Stipulation and [Proposed] Order re: Extending Time to Respond to Defendant's Motion to Dismiss Under L.R. 6-2 has been obtained from Charles D. Marshall with conformed signatures above.

Dated: February 14, 2014

By: /s/ Jaclyn Blankenship

Jaclyn Blankenship  
O'MELVENY & MYERS LLP  
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**[PROPOSED] ORDER**

The Court having considered the Joint Stipulation and [Proposed] Order re: Extending Time to Respond to Defendant's Motion to Dismiss Under L.R. 6-2 submitted by the Parties, and good cause appearing:

1. The Stipulation is approved;
2. Plaintiff's new deadline to file an Opposition to Defendant's Motion shall be March 7, 2014;
3. Defendant's deadline to file a Reply shall be March 14, 2014;
4. If the Parties consent and stipulate to any amendment of the operative complaint, Plaintiff's deadline to file such a Second Amended Complaint will be no later than February 28, 2014;
5. If the Parties stipulate to filing a Second Amended Complaint by February 28, 2014, Defendant will take the current Motion off calendar and file a new motion to dismiss the Second Amended Complaint pursuant to the deadlines in the Federal Rules of Civil Procedure, unless the Parties stipulate to, and the Court approves, a different briefing schedule;

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

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Hon. Charles R. Breyer  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 14, 2014

RICHARD B. GOETZ  
MATTHEW D. POWERS  
JACLYN BLANKENSHIP  
O'MELVENY & MYERS LLP

By: /s/ Jaclyn Blankenship

Jaclyn Blankenship  
Attorneys for Defendant  
VISA, INC.